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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,080	02/28/2001	Andreas Flohr	CM1905Q/MH	6376

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT PAPER NUMBER

3761

DATE MAILED: 11/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/786,080

Applicant(s)

FLOHR, ANDREAS

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (5,746,729) in view of Thompson (3,929,135).

Wada discloses all aspects of the claimed invention but remains silent as to the apertures. Wada discloses a nonwoven web 11, as shown in figure 3, comprising a first zone 6 and a second zone 7, each having a bonded area comprising bonds 15. The bonded area of the second zone 7 is greater than that of the first zone 6, as shown in figure 1. The first zone 6 has an effective open area of at least 10%, as shown in figure 1. The nonwoven web 11 further comprises a plurality of apertures 10, as shown in figure 3.

Thompson discloses a nonwoven web 22 for use as the topsheet of an absorbent article, as shown in figure 1. The nonwoven web 22 comprises a plurality of apertures 26, as shown in figures 2-4, the apertures 26 having an effective size of at least 0.2 mm<sup>2</sup>, as disclosed in column 4, lines 34-36. The nonwoven web 22 comprising apertures 26 disclosed by Thompson allows rapid flow of fluids while preventing movement of moisture back through the web 22, as disclosed in column 5, lines 18-50.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the invention of Wada with the nonwoven web comprising apertures of Thompson, to allow rapid flow of fluids while preventing movement of moisture back through the web.

With respect to claim 2, the first zone 6 comprises a central zone and the second zone 7 comprises an outer zone, as shown in figures 1 and 2.

With respect to claim 3, the web 11 comprises a pair of outer zones 7, as shown in figure 2.

With respect to claim 4, the central zone has an open area of at least 15%, as shown in figure 1.

With respect to claim 5, the central zone has a plurality of apertures 10, as shown in figure 1. Thompson discloses apertures having an effective size of greater than  $1.0 \text{ mm}^2$ , as disclosed in column 4, lines 34-36.

With respect to claims 6, 7, and 15, Wada shows the bonded area of the central zone, but remains silent as to the percentage of the central zone being bonded. It would have been obvious to one of ordinary skill in the art at the time of invention to make the bonded area of the central zone between 5% and 12%, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claims 8, 9, and 16, Wada shows the bonded area of the outer zones, but remains silent as to the percentage of the outer zones being bonded. It

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would have been obvious to one of ordinary skill in the art at the time of invention to make the bonded area of the central zone between 15% and 25%, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 10, the article 1 comprises a liquid pervious topsheet 2, as shown in figure 2.

With respect to claim 11, the article 1 further comprises a backsheet 3 and absorbent core 4, as shown in figure 2.

With respect to claim 12, Wada discloses a bonded web formed by bonding the web in a first zone, bonding the web in a second zone such that the second zone has a greater bonded area than the first zone, and aperturing the central zone.

With respect to claim 13, the central zone has a open area of at least 10%, as shown in figure 1.

With respect to claim 14, Thompson discloses apertures having an effective size of greater than  $0.2 \text{ mm}^2$ , as disclosed in column 4, lines 34-36.

With respect to claim 17, the web comprises a pair of outer zones, as shown in figure 2.

### ***Response to Arguments***

Applicant's arguments filed 27 August 2003, with respect to the rejection(s) of claim(s) 1-17 under 35 U.S.C. 103(a) have been fully considered and are persuasive.

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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wada et al. (5,746,729).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

*CLA*  
cla

November 6, 2003

  
**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**